

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EASTERN DIVISION

No. 05-10849RGS

HELEN RUNGE, Plaintiff v. WALTER J. KELLY, KERRY L. BLOOMINGDALE, M.D., and SUNBRIDGE NURSING AND REHABILITATION CENTER, Defendants
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**DEFENDANT WALTER J. KELLY'S MOTION FOR LEAVE TO FILE A
REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S CROSS- MOTION
TO COMPEL PLAINTIFF TO RESPOND TO REQUESTS FOR PRODUCTION
OF DOCUMENTS**

NOW COMES the Defendant, Walter J. Kelly, and requests that this Honorable Court grant him leave to file the attached reply brief in response to Plaintiff's *Opposition to Defendant's Cross-Motion to Compel the Plaintiff to Respond to Requests for Production of Documents* if not moot by the court's order. As grounds in support thereof, Defendant submits the accompanying memorandum.

WHEREFORE, the Defendant, Walter Kelly, respectfully requests that this Honorable Court grant Defendant leave to file a reply brief should it consider Plaintiff's Opposition despite the Court's Order.

Dated: February 14, 2007

Respectfully submitted,

The Defendant,
Walter J. Kelly,
By his attorneys,

s/ Michele Carlucci

George C. Rockas, BBO #544009
Michele Carlucci, BBO #655211
WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP
155 Federal Street
Boston, MA 02110
(617) 422-5300

LOCAL RULE 7.1 CERTIFICATION

I, Michele Carlucci, certify that I conferred with counsel for the Defendants Dr. Bloomingdale and Sunbridge and obtained their assent to this motion to file a reply. Plaintiff's counsel did not respond to my request for assent.

s/ Michele Carlucci

Michele Carlucci

CERTIFICATE OF SERVICE

I, Michele Carlucci, certify that on February 14, 2007 I have served, by electronic filing a copy of the following:

1. Defendant Walter J. Kelly's Motion to File a Reply and Memorandum in Support.

to all counsel of record:

James S. Hamrock, Esq.
Hamrock & Tocci
101 Main Street, 18th Floor
Cambridge, MA 02142

Blake J. Godbout, Esq.
Blake J. Godbout & Associates
33 Broad Street, 11th Floor
Boston, MA 02109

Glen R. Davis, Esq.
Latsha Davis Yohe & McKenna, P.C.
1700 Bent Creek Boulevard, Suite 140
Mechanicsburg, PA 17050

Robert J. Roughsedge, Esq.
Michael Williams, Esq.
Lawson & Weitzen, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02210-2414

s/ Michele Carlucci
Michele Carlucci